IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5581 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MIYAMOHMED HAJIMOHMED USHMANBHAI IDARIYA
Versus
COLLECTOR & ANOTHER

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Appearance :
MR SK BUKHARI for Petitioner.
MS. KRINA CALLA, ASST. GOVERNMENT PLEADER for Respondent.
MR MM TIRMIZI for Respondent No.2

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 03/09/2007

ORAL JUDGMENT

This petition was filed by the petitioner challenging the order dated 16.05.2000 passed by the Collector, Sabarkantha granting a small piece of land out of City Survey No. 1135 on lease on certain terms and conditions to respondent No.2 herein. During the pendency of the petition, the petitioner has expired and his heirs are therefore pursuing this petition. In the petition, the order passed by the Government on 13.06.00 in the appeal filed by the petitioner is also challenged.

Having heard learned advocate appearing for the parties, I do not find any infirmity in the orders under challenge.

The Collector, Sabarkantha granted the land in question in favour of respondent No. 2 after verifying necessary details and after finding that the said respondent owns or possesses no other land, a small piece of land was given to respondent No. 2 for doing a small business. The contention of the petitioner is that as he holds the adjoining land, the land in question should be allotted to him was also taken into account. While allotting the land to respondent No.2, to safeguard the interest of the Government, certain terms and conditions were also imposed.

I see no reason to interfere with the exercise of the discretion by the Collector in exercise of powers under Article 226 and 227 of the Constitution of India. The petitioner has not made out any case that he has an impeccable legal right to claim the said land.

In the result, the petition fails. Rule is discharged. No order as to costs.

[AKIL KURESHI, J.]

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